

The Office Action mailed August 24, 2006, has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-44 are now pending in this application. Claims 1-44 stand rejected.

In accordance with 37 C.F.R. 1.136(a), a one-month extension of time request is submitted herewith to extend the due date of the response to the Office Action dated August 24, 2006, for the above-identified patent application from November 24, 2006, through and including December 24, 2006. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of \$120.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1-12, and 28-32 under 35 U.S.C. § 103(a) as being unpatentable over Curtis (U.S. Patent No. 6,668,279) (hereinafter "Curtis"), further in view of Lo at al. (U.S. Pat. No. 6,725,105) (hereinafter "Lo") is respectfully traversed.

A declaration under 37 C.F.R. § 1.131 is hereby submitted by the inventors, with supporting documents evidencing an actual reduction to practice of the above-referenced invention prior to September 21, 2001, which is the effective filing date of Lo. Accordingly, Applicants respectfully submit that the effective filing date of Lo is antedated.

Curtis describes a system in which an in-kernel data transport module is implemented. The system further includes multiple clients 100, 102 that may send HTTP requests to a web server 202 (col. 4, lines 41-43). Within the web server, an in-kernel cache 204 is managed by a data transport module 206 having an associated protocol stack 208 (col. 4, lines 43-45). The data transport module routes HTTP requests or portions thereof to a HTTP daemon 210 via an upcall door 212 (col. 4, lines 45-48). The system can be implemented on a computer system 1502 that has any number of processors 1504 coupled to primary storage devices 1504, 1506, a secondary storage device 1510, input/output devices 1512, and/or a telecommunications network 1514 (col. 10, line 35-col. 11, line 10). The input/output devices 1512 include devices such as video monitors, track balls, mice, keyboards, microphones, touch-sensitive displays, transducer card readers, magnetic or paper tape readers, tablets, styluses, voice or handwriting recognizers, or other well-known input devices such as other computers (col. 10, lines 59-65).

Claim 1 recites a web-enabled automation control module (ACM) including, “an ACM central processing unit (CPU) . . . a web and file transfer system electrically connected to said ACM CPU, said system embedded within said ACM and configured to process hypertext transfer protocol (HTTP) requests from a network . . . and wherein said ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product.”

Curtis does not describe or suggest a web-enabled automation control module as recited in Claim 1. Specifically, Curtis does not describe or suggest a web and file transfer system electrically connected to an ACM CPU, the system embedded within the ACM. Rather, Curtis describes a web server that may be implemented on a computer system, but Curtis does not describe or suggest a web and file transfer system electrically connected to an ACM CPU, the system embedded within the ACM. Moreover, Curtis does not describe or suggest the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. Rather, Curtis describes input/output devices that include devices such as video monitors, track balls, mice, keyboards, microphones, touch-sensitive displays, transducer card readers, magnetic or paper tape readers, tablets, styluses, voice or handwriting recognizers, or other well-known input devices, but Curtis does not describe or suggest an ACM is one of a PLC, a CNC, and a motion control product. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Curtis.

Claims 2-12 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-12 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 2-12 likewise are patentable over Curtis.

Claim 28 recites a method for management and control of an automation control module (ACM) including an ACM central processing unit (CPU), where the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product, and where the method includes, “embedding a web and file transfer system within the ACM including electrically connecting the web and file transfer system to the ACM CPU . . . electrically connecting the web and file transfer system to a network . . . and processing hypertext transfer protocol (HTTP) requests from the network using the web and file transfer system.”

Curtis does not describe or suggest a method for management and control of an automation control module as recited in Claim 28. Specifically, Curtis does not describe or suggest embedding a web and file transfer system within the ACM including electrically connecting the web and file transfer system to the ACM CPU. Rather, Curtis describes a web server that may be implemented on a computer system, but Curtis does not describe or suggest embedding a web and file transfer system within the ACM including electrically connecting the web and file transfer system to the ACM CPU. Moreover, Curtis does not describe or suggest an ACM central processing unit (CPU), where the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. Rather, Curtis describes input/output devices that include devices such as video monitors, track balls, mice, keyboards, microphones, touch-sensitive displays, transducer card readers, magnetic or paper tape readers, tablets, styluses, voice or handwriting recognizers, or other well-known input devices, but Curtis does not describe or suggest an ACM CPU, where the ACM is one of a PLC, a CNC, and a motion control product. Accordingly, for at least the reason set forth above, Claim 28 is submitted to be patentable over Curtis.

Claims 29-32 depend, directly or indirectly, from independent Claim 28. When the recitations of Claims 29-32 are considered in combination with the recitations of Claim 28, Applicants submit that Claims 29-32 likewise are patentable over Curtis.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-12 and 28-32 be withdrawn.

The rejection of Claims 13-27 and 33-44 under 35 U.S.C. § 103(a) as being unpatentable over Curtis in view of Petterson (U.S. Patent 6,826,594) (hereinafter "Petterson"), further in view of Lo is respectfully traversed.

As stated above, the effective filing date of Lo is antedated. Moreover, Curtis is described above.

Petterson describes a method for inserting dynamic content into a web page (abstract). The method includes a web page owner defining one or more zones of a web page 793 as remotely managed, and then connects the to a content serving web site 780 to manage the zones by identifying dynamic content to be inserted in them (col. 7, lines 47-52). By way of an affiliate browser 792, a user at an affiliated web site 790 accesses a zone content database

785 to alter a file 787 associated with a tag ID 786 owned by the affiliate (col. 7, lines 52-55). The affiliate web site 790 and the content serving web site 780 each have a web server 791 and 781, respectively (col. 6, lines 39-42; col. 7, lines 13-16). In response to a request from a user system browser 762, the content serving web site 780 looks up the file 787 associated with the dynamic content from the dynamic content database 785, using the tag ID 786 as a key, and sends the file 787 to a user system 760 (col. 10, lines 42-46).

The method further includes using a connection across a distributed computer network 751 (col. 6, lines 19-21). The network 751 includes a client computer 10 and a host computer 22 (col. 18, lines 56-58). The client computer can be any standard personal computer (PC) which includes a central processing unit (CPU) 12 connected to both a storage memory 14 and a random access memory (RAM) 16 (col. 19, lines 3-6). The host computer 22 may be of any conventional server design, and may include, for example, a central processing unit (CPU) 26, a network connection device 24, and both storage memory 30 and random access memory (RAM) 28 (col. 19, lines 16-19).

Claim 13 recites an automation control module (ACM) system including, “an ACM comprising one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product . . . a network . . . a web-enabled computer electrically connected to said network . . . and a web and file transfer subsystem electrically connected to said ACM and said network, said subsystem configured to store at least one user-defined web page file.”

Neither Curtis nor Petterson, considered alone or in combination, describe or suggest an automation control module system as recited in Claim 13. Specifically, neither Curtis nor Petterson, considered alone or in combination, describe or suggest an ACM including one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. Rather, Curtis describes input/output devices that include devices such as video monitors, track balls, mice, keyboards, microphones, touch-sensitive displays, transducer card readers, magnetic or paper tape readers, tablets, styluses, voice or handwriting recognizers, or other well-known input devices, and Petterson describes any standard personal computer (PC) which includes a central processing unit (CPU) connected to both a storage memory and a random access memory (RAM), but neither Curtis nor Petterson, considered alone or in combination, describe or suggest an ACM comprising one of a PLC, CNC, and a motion control product. Because Curtis and Petterson each

individually fail to describe or suggest one or more elements of Claim 13, it follows that a combination of Curtis and Petterson cannot describe or suggest such element(s). Accordingly, for at least the reason set forth above, Claim 13 is submitted to be patentable over Curtis in view of Petterson.

Claims 14-27 depend, directly or indirectly, from independent Claim 13. When the recitations of Claims 14-27 are considered in combination with the recitations of Claim 13, Applicants submit that Claims 14-27 likewise are patentable over Curtis in view of Petterson.

Claims 33-35 depend from independent Claim 28, which is recited above.

Neither Curtis nor Petterson, considered alone or in combination, describe or suggest a method for management and control of an automation control module as recited in Claim 28. Specifically, neither Curtis nor Petterson, considered alone or in combination, describe or suggest embedding a web and file transfer system within the ACM including electrically connecting the web and file transfer system to the ACM CPU. Rather, Curtis describes a web server that may be implemented on a computer system, and Petterson describes an affiliate web site and a content serving web site that each have a web server, but neither Curtis nor Petterson, considered alone or in combination, describe or suggest embedding a web and file transfer system within the ACM including electrically connecting the web and file transfer system to the ACM CPU. Moreover, neither Curtis nor Petterson, considered alone or in combination, describe or suggest an ACM central processing unit (CPU), where the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. Rather, Curtis describes input/output devices that include devices such as video monitors, track balls, mice, keyboards, microphones, touch-sensitive displays, transducer card readers, magnetic or paper tape readers, tablets, styluses, voice or handwriting recognizers, or other well-known input devices, and Petterson describes any standard personal computer (PC) which includes a central processing unit (CPU) connected to both a storage memory and a random access memory (RAM), but neither Curtis nor Petterson, considered alone or in combination, describe or suggest an ACM CPU, where the ACM is one of a PLC, a CNC, and a motion control product. Because Curtis and Petterson each individually fail to describe or suggest one or more elements of Claim 28, it follows that a combination of Curtis and Petterson cannot describe or suggest such element(s). Accordingly, for at least the reason set forth above, Claim 28 is submitted to be patentable over Curtis in view of Petterson.

Claims 33-35 depend indirectly from independent Claim 28. When the recitations of Claims 33-35 are considered in combination with the recitations of Claim 28, Applicants submit that Claims 33-35 likewise are patentable over Curtis in view of Petterson.

Claim 36 recites a method for management and control of an automation control module (ACM) using an ACM system, the ACM system including an ACM, a network, and a web-enabled computer electrically connected to the ACM, where the ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product, and where the method includes, “embedding a web and file transfer subsystem within the ACM including electrically connecting the web and file transfer subsystem to the ACM and the network . . . and storing at least one user-defined web page file.”

Neither Curtis nor Petterson, considered alone or in combination, describe or suggest a method for management and control of an automation control module as recited in Claim 36. Specifically, neither Curtis nor Petterson, considered alone or in combination, describe or suggest embedding a web and file transfer subsystem within the ACM. Rather, Curtis describes a web server that may be implemented on a computer system, and Petterson describes an affiliate web site and a content serving web site that each have a web server, but neither Curtis nor Petterson, considered alone or in combination, describe or suggest embedding a web and file transfer subsystem within the ACM. Moreover, neither Curtis nor Petterson, considered alone or in combination, describe or suggest an ACM is one of a programmable logic controller (PLC), a computer numeric control (CNC), and a motion control product. Rather, Curtis describes input/output devices that include devices such as video monitors, track balls, mice, keyboards, microphones, touch-sensitive displays, transducer card readers, magnetic or paper tape readers, tablets, styluses, voice or handwriting recognizers, or other well-known input devices, and Petterson describes any standard personal computer (PC) which includes a central processing unit (CPU) connected to both a storage memory and a random access memory (RAM), but neither Curtis nor Petterson, considered alone or in combination, describe or suggest an ACM is one of a PLC, a CNC, and a motion control product. Because Curtis and Petterson each individually fail to describe or suggest one or more elements of Claim 36, it follows that a combination of Curtis and Petterson cannot describe or suggest such element(s). Accordingly, for at least the reason set forth above, Claim 36 is submitted to be patentable over Curtis in view of Petterson.

Claims 37-44 depend, directly or indirectly, from independent Claim 36. When the recitations of Claims 37-44 are considered in combination with the recitations of Claim 36, Applicants submit that Claims 37-44 likewise are patentable over Curtis in view of Petterson.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 13-27 and 33-44 be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejection of Claims 13-27 and 33-44 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Curtis nor Petterson, considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Curtis with Petterson because there is no motivation to combine the references suggested in the cited art itself.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). M.P.E.P. 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor a motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Curtis teaches a web server that may receive HTTP

requests from a plurality of clients. Within the web server, an in-kernel cache is managed by a data transport module having an associated protocol stack. The data transport module routes HTTP requests or portions thereof to a HTTP daemon. Petterson teaches a method including a web page owner defining one or more zones of a web page as remotely managed, and then connects the to a content serving web site to manage the zones by identifying dynamic content to be inserted in them. By way of an affiliate browser, a user at an affiliated web site accesses a zone content database to alter a file associated with a tag ID owned by the affiliate. The affiliate web site and the content serving web site each have a web server. Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 13-27 and 33-44 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Phillip A. Shipley
Registration No. 51,357
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070